

## REMARKS

Reconsideration of the application in view of the above amendments and following remarks is requested. Claims 12-14 have been cancelled and claims 24-26 newly added. Claims 1 – 11 and 15-26 are currently pending.

Claims 1, 2, 3, 5, and 7 have been amended to more clearly set forth the uninterrupted nature of the recognition sequence of the type II<sub>s</sub> endonuclease recognition sequence utilized in the present invention. Support for this amendment can be found at page 13, line 15 of the specification. Claim 1 has been also amended to emphasize the use of a single template in the presently claimed method. Support for this amendment is in claim 1 as filed as well as the disclosure in Example 1. Finally, claims 1 and 2 have been amended to recite the presence of amino acid coding sequence within each or at least one of the utilized primer pairs, supported at least by the discussion in the specification on pages 15-16.

Claims 1-23 have been rejected as anticipated by Hodgson et al. There are at least three aspects of the claims that are not disclosed in this reference. First, Hodgson et al. do not disclose the use of a single template source for the fragments utilized in the method as recited in claim 1. Second, the reference does not disclose the use of an uninterrupted recognition sequence as a selection criteria of the restriction endonuclease utilized in the method as recited in both claims 1 and 2. Third, the Hodgson et al. reference does not disclose including amino acid coding region within the primer used, nor having the assembled fragments produce a protein sequence of interest, also as recited in claims 1 and 2. Each of these distinguishing elements supports the separate patentability of the claimed methods over the teachings of this reference.

Claims 2 and 10 have been rejected as anticipated by Sorge et al. This reference does not disclose the use of amino acid coding sequence in at least one of the primers utilized in the method nor the use of the ligated product to produce a protein of interest. This reference also does not disclose the desirability of using an restriction endonuclease having an uninterrupted recognition sequence. For at least these two reasons, it is respectfully submitted that claims 2 and 10 are patentable over the Sorge et al. disclosure and are not anticipated.

On the basis of the above amendments and remarks, Applicants believe that each rejection has been addressed and overcome. Reconsideration of the application and its allowance are requested. If for any reason the Examiner feels that a telephone conference would expedite prosecution of the application, the Examiner is invited to telephone the undersigned at (206) 442-6627.

Respectfully Submitted,

A handwritten signature in black ink that reads "Michelle L. Johnson". The signature is written in a cursive, flowing style.

Michelle L. Johnson  
Registration No. 36,352

Enclosures:

Petition and Fee for Extension of Time (in duplicate)  
Associate Power of Attorney  
Postcard